

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

-----	:	
UNITED STATES OF AMERICA	:	
	:	CASE NO. 1:05 CR 495
Plaintiff	:	
	:	
-vs-	:	
	:	
CHARLES D. SMILEY	:	<u>ORDER ACCEPTING PLEA AGREEMENT</u>
	:	<u>AND JUDGMENT AND NOTICE OF</u>
Defendant	:	<u>HEARING</u>
-----	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and plea agreement of Charles D. Smiley which was referred to the Magistrate Judge with the consent of the parties.

On 12 October 2005, the government filed a one-count indictment against Charles D. Smiley for escape in violation of 18 U.S.C. § 751. On 17 November 2005, a hearing was held in which Charles D. Smiley entered a plea of not guilty before Magistrate Judge Vecchiarelli. On 11 January 2006, Magistrate Judge Vecchiarelli received Charles D. Smiley's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Charles D. Smiley is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Charles D. Smiley is adjudged guilty of Count One in violation of 18 U.S.C. § 751.

Sentencing will be:

13 February 2006 at 10:00 a.m.

**Courtroom 18-A
18th Floor the United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Dated: 7 February 2006